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Acting United States Secretary of Labor
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10 IN THE UNITED STATES DISTRICT COURT
11 FOR THE CENTRAL DISTRICT OF CALIFORNIA

12 JULIE A. SU,
13 Acting Secretary of Labor, United States
14 Department of Labor,

15 Plaintiff,

16 v.

17 TOLENTINO & TOLENTINO
18 PARTNERS DBA HOWARD HOME, a
19 partnership; AIZABEL HOME, INC., a
20 corporation; ALYZA HOME, INC., a
21 corporation; GALA HOME, INC., a
22 corporation; GYPSUM CREEK HOMES,
23 INC., a corporation; MARIA LILIAN
24 TOLENTINO, an individual; JUDY
TOLENTINO, an individual; RAMON
TOLENTINO; and ANGELES
MARQUEZ, an individual.

25
26 Defendants.
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28

Case No. 5:25-cv-73

**COMPLAINT FOR
VIOLATIONS OF THE FAIR
LABOR STANDARDS ACT**

1 **JURISDICTION AND VENUE**

2 1. This Court has subject matter jurisdiction over this action under
3 Sections 16(c) and 17 of the Fair Labor Standards Act (FLSA), 29 U.S.C.
4 §§ 216(c), 217. This Court also has subject matter jurisdiction under 28 U.S.C.
5 §1331 (federal question) and 28 U.S.C. § 1345 (United States as plaintiff).

6 2. Venue lies in the United States District Court for the Central District
7 of California pursuant to 28 U.S.C. § 1391(b) because the events giving rise to the
8 claims in this enforcement action occurred within this District.

9 **NATURE OF THE ACTION**

10 3. The Acting Secretary of Labor brings this action under Sections 16(c)
11 and 17 of the FLSA, 29 U.S.C. §§ 216(c), 217, to recover unpaid back wages and
12 liquidated damages owed to caregivers who worked more than forty hours per
13 week in Defendants' residential care facilities without overtime compensation and
14 to enjoin Defendants from committing future violations of the Act.

15 4. In bringing this action, the Acting Secretary represents not only the
16 interests of individual workers harmed by violations of the Act, but also the public
17 interest in enforcement of the FLSA.

18 **PARTIES**

19 5. Plaintiff Julie A. Su, the Acting Secretary of Labor (the "Acting
20 Secretary"), United States Department of Labor, is charged with enforcing the
21 FLSA to eliminate "labor conditions detrimental to the maintenance of the
22 minimum standard of living necessary for health, efficiency, and general well-
23 being of workers[.]" 29 U.S.C. § 202(a).

24 **Corporate Defendants**

25 6. Defendant Tolentino & Tolentino Partners is a partnership doing
26 business as Howard Home with a principal place of business at 4361 Howard St.,
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1 Montclair, CA 91763. Defendant Tolentino & Partners dba Howard Home operates
2 a residential care facility for adults with developmental disabilities at this address
3 and employs caregivers at this facility. At all relevant times, Defendant Tolentino
4 & Tolentino Partners dba Howard Home has been an employer within the meaning
5 of FLSA Section 3(d), 29 U.S.C. § 203(d).

6 7. Defendant Aizabel Home, Inc. is a corporation with a principal place
7 of business at 1425 Ethel St., Glendale, CA 91207. Defendant Aizabel Home, Inc.
8 operates a residential care facility for adults with developmental disabilities at this
9 address and employs caregivers at this facility. At all relevant times, Defendant
10 Aizabel Home, Inc. has been an employer within the meaning of FLSA
11 Section 3(d), 29 U.S.C. § 203(d).

12 8. Defendant Alyza Home, Inc. is a corporation with a principal place of
13 business at 5062 Rodeo St., Montclair, CA 91763. Defendant Alyza Home, Inc.
14 operates a residential care facility for adults with developmental disabilities at this
15 address and employs caregivers at this facility. At all relevant times, Defendant
16 Alyza Home, Inc. has been an employer within the meaning of FLSA Section 3(d),
17 29 U.S.C. § 203(d).

18 9. Defendant Gala Home, Inc. is a corporation which had a principal
19 place of business at 10986 S. Gala Lane, Ontario, CA 91762. Defendant Gala
20 Home, Inc. operated a residential care facility for adults with developmental
21 disabilities at this address and employed caregivers at this facility. At all relevant
22 times, Defendant Gala Home, Inc. was an employer within the meaning of FLSA
23 Section 3(d), 29 U.S.C. § 203(d).

24 10. Defendant Gypsum Creek Homes, Inc. is a corporation with a
25 principal place of business at 14572 Sleepy Creek Dr., Eastvale, CA 92880.
26 Defendant Gypsum Creek Homes, Inc. operates a residential care facility for adults
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1 with developmental disabilities at this address and employs caregivers at this
2 facility. Defendant Gypsum Creek Homes, Inc. also operated a residential care
3 facility for adults with developmental disabilities at 6976 Gypsum Creek Dr.,
4 Eastvale, CA 92880 and employed caregivers at this facility. At all relevant times,
5 Defendant Gypsum Creek Homes, Inc. has been an employer within the meaning
6 of FLSA Section 3(d), 29 U.S.C. § 203(d).

7 **Individual Defendants**

8 11. Defendant Maria Lilian Tolentino is an individual residing in Ontario,
9 California. Defendant Maria Lilian Tolentino operates a residential care facility
10 doing business as Gala Home at 10986 S. Gala Lane, Ontario, CA 91762. At all
11 relevant times, Defendant Maria Lilian Tolentino, together with the other
12 Individual Defendants, has also jointly controlled the operations of the residential
13 care facilities operated by Defendants. Defendant Maria Lilian Tolentino is an
14 employer within the meaning of Section 3(d) of the FLSA, 29 U.S.C. § 203(d).

15 12. Defendant Judy Tolentino is an individual residing in Walnut,
16 California. At all relevant times, Defendant Judy Tolentino, together with the other
17 Individual Defendants, has jointly controlled the operations of the residential care
18 facilities operated by Defendants. Defendant Judy Tolentino is an employer within
19 the meaning of Section 3(d) of the FLSA, 29 U.S.C. § 203(d).

20 13. Defendant Ramon Tolentino is an individual residing in Walnut,
21 California. At all relevant times, Defendant Ramon Tolentino, together with the
22 other Individual Defendants, has jointly controlled the operations of the residential
23 care facilities operated by Defendants. Defendant Ramon Tolentino is an employer
24 within the meaning of Section 3(d) of the FLSA, 29 U.S.C. § 203(d).

25 14. Defendant Angeles Marquez is an individual residing in Chino,
26 California. At all relevant times, Defendant Angeles Marquez, together with the
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1 other Individual Defendants, has jointly controlled the operations of the residential
2 care facilities operated by Defendants. Defendant Angeles Marquez is an employer
3 within the meaning of Section 3(d) of the FLSA, 29 U.S.C. § 203(d).

4 **FACTS COMMON TO ALL CLAIMS**

5 15. At all relevant times, Defendants jointly controlled and operated
6 residential care facilities for the common business purpose of providing for-profit
7 caregiving services.

8 16. At all relevant times, Defendants' residential care facilities had an
9 annual gross volume of sales made or business done of not less than \$500,000.

10 17. At all relevant times, Defendants employed caregivers, including the
11 individuals listed in Exhibit A, who worked at their residential care facilities.

12 18. At all relevant times, two or more of the caregiver employees who
13 worked in Defendants' residential care facilities handled products made outside of
14 California and transported into the State.

15 19. From at least March 7, 2021 to March 6, 2024, Defendants' caregiver
16 employees, including the individuals listed in Exhibit A, regularly worked more
17 than 40 hours per week.

18 20. From at least March 7, 2021 to March 6, 2024, Defendants failed to
19 pay overtime at the required rate of time-and-a-half for the overtime hours that
20 their caregiver employees worked. Instead, Defendants paid caregiver employees a
21 fixed amount each month, regardless of their hours worked. Additionally,
22 Defendants incorrectly classified some caregivers as independent contractors.

23 21. From at least March 7, 2021 to March 6, 2024, Defendants failed to
24 keep accurate records of the hours worked by their caregiver employees and the
25 wages paid to them.

CLAIMS FOR RELIEF

First Cause of Action

Violation of the Overtime Provisions of the FLSA

22. The Acting Secretary incorporates all facts alleged above.

23. Defendants' residential care facilities are an "enterprise," within the meaning of FLSA Section 3(r)(1), 29 U.S.C. § 203(r)(1).

24. At all relevant times, Defendants' enterprise has been engaged in commerce or in the production of goods for commerce within the meaning of FLSA Section 3(s)(1)(A), 29 U.S.C. § 203(s)(1)(A).

25. From at least March 7, 2021 to March 6, 2024, Defendants willfully violated the overtime provisions of FLSA Sections 7(a) and 15(a)(2), 29 U.S.C. §§ 207(a), 215(a)(2), by employing the caregiver employees at their residential care facilities for workweeks longer than forty hours without compensating the employees for hours worked in excess of forty at rates not less than one and one-half times the regular rate at which they were employed. Defendants knew or should have known of the FLSA's overtime requirements but suffered or permitted their employees to work without properly compensating them.

Second Cause of Action

Violation of the Recordkeeping Provisions of the FLSA

26. The Acting Secretary incorporates all facts alleged above.

27. From at least March 7, 2021 to March 6, 2024, Defendants violated the recordkeeping provisions of FLSA Sections 11(c) and 15(a)(5), 29 U.S.C. §§ 211(c), 215(a)(5), by failing to make, keep, and preserve accurate records of the hours worked by their employees and the wages paid to them as prescribed by the Acting Secretary of Labor's regulations at 29 C.F.R. Part 516.

1 28. Defendants failed to create and maintain accurate and complete
2 records of caregivers' hours worked and wages paid, even though they knew or
3 should have known that this conduct violates the FLSA.

4 **PRAYER FOR RELIEF**

5 The Acting Secretary prays for a judgment and order providing the
6 following relief:

- 7 A. a permanent injunction restraining Defendants, their officers, agents,
8 servants, employees, successors, and persons acting in active concert
9 or participation with them from violating the and recordkeeping
10 provisions of FLSA Sections 7(a), 11(c), 15(a)(2), and 15(a)(5), 29
11 U.S.C. 207(a), 211(c), 215(a)(2), and 215(a)(5), under FLSA Section
12 17, 29 U.S.C. § 217;
- 13 B. a judgment under FLSA Section 16(c), 29 U.S.C. § 216(c), finding
14 Defendants jointly and severally liable for the unpaid overtime
15 compensation due to Defendants' current and former employees, for
16 the period from at least March 7, 2021 to March 6, 2024, plus an
17 additional equal amount as liquidated damages;
- 18 C. if liquidated damages are not awarded, an order under FLSA
19 Section 17, 29 U.S.C. § 217, enjoining Defendants from withholding
20 payment of unpaid overtime compensation found due to Defendants'
21 current and former employees for the period from at least March 7,
22 2021 to March 6, 2024, plus pre-judgment interest at an appropriate
23 interest rate;
- 24 D. an award to Plaintiff of the costs of this action; and
- 25 E. any other relief that is necessary or appropriate.
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1 Dated: January 10, 2025

Respectfully submitted,

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3 SEEMA NANDA
Solicitor of Labor

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5 MARC A. PILOTIN
Regional Solicitor

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7 KATHERINE E. CAMERON
Associate Regional Solicitor

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9 /s/ Tara Stearns
10 TARA STEARNS
11 Senior Trial Attorney
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EXHIBIT A

	First Name	Last Name
1.	ACELITA DEL	ALCAZAR
2.	ANGELES	MARQUEZ
3.	ANNIE ROSE	INCISO
4.	ANTHONY	FONG
5.	APHOL JAY	SALVADOR
6.	ARMANDO	ALCALA
7.	ARMANDO	TONGOL
8.	ASTERIA	PAREDES
9.	AURI BLAY N	OQUISUMBING
10.	BRENDA	REBOLLEDO
11.	BRUCE NICHOLE JOHN	VERGARA
12.	CARLITO	TAN JR
13.	CHRISTIAN	REYES
14.	CHRISTIENE	ESTREMUS
15.	DANERICK	APELADO
16.	DANILO	MANALO
17.	DARYL	ALVAREZ
18.	DIONISIO	ESTEVEZ
19.	EDGARDO	SANTOS
20.	EDUARDO	BULIWAN
21.	EDWARD BLAY	VELASQUEZ
22.	EUGENE	SUPNET
23.	EVELYN	MACNI
24.	FADHI	SALVADOR
25.	FERMIN JASON	AGRISOLA II
26.	FRANCIS	PASTORFIDE
27.	FRANCISCO	CAUBALEJO
28.	GENEMAR	MONZAGA
29.	GENESIS	FRANCIA
30.	GLORIA	TROPICALES
31.	GUILLERMA	PAREDES
32.	JAMES	BLANCO
33.	JEAN PAUL	BUNDALIAN
34.	JEFFREN	MUNGICAL

35.	JERRYSON	MANI
36.	JESSIE	BORRES
37.	JESUS	SARMIENTO JR
38.	JONATHAN	SAMONTE
39.	JOSELITO	EMRALINO
40.	JUDELIZA	PASTORFIDE
41.	KARL LEO	BELTRAN
42.	KENNETH	TAN
43.	LIEZL DE	GUZMAN
44.	LYNBETH	CARLOS
45.	MA VICTORIA	BORRES
46.	MANOLITO	JOSE
47.	MARCIAL	FERNANDO
48.	MARGARITA	CAUBALEJO
49.	MARIA GOLDA	MEDIANTE
50.	MARIA MARIAN	MABUHAY
51.	MARIA ROSARIO	SAMONTE
52.	MARIAN JUDITH ISABEL	MANAOG
53.	MARIO	FIGURACION JR
54.	MARISSA	CARREON
55.	MARLON	BAGUINO
56.	MAURA	PANGANIBAN
57.	MICHAELA	FERRER
58.	NOEL	PANGANIBAN
59.	PATRICE ANTHONY	AMON
60.	RAMON	OBLIGACION
61.	RENATO	PAREDES
62.	RODELIO	MARQUEZ
63.	RODOLFO	CABIGTING
64.	ROSELLE MAY	TAN
65.	ROY	DURANGPARANG
66.	RUDOLFO	CABIGTING
67.	RUDY	SANTOS
68.	SHAIRA	EVANGELIO
69.	SHELLA MAE	ABELLO
70.	SONNY	BARBATO

71.	STINELI	CHAVEZ
72.	TERESITA	TONGOL
73.	VENUS	SISON
74.	VIRGILIO	BUGNOT
75.	VIRGINIA	BURON
76.	WILFREDO	SINGUEO
77.	WILLIAM	CARREON
78.	XANTIPPE	BORJA